

1 extending mesh sheet which functions to anchor the device. More particularly, the de Groot
2 device is comprised of a subcutaneous part 1 and a percutaneous 10. The subcutaneous
3 part 1 comprises a mesh sheet for promoting tissue ingrowth to anchor a holding member 3
4 used to mount the percutaneous part 10. De Groot does not suggest providing both
5 longitudinally and laterally extending porous layers to form an infection resistant barrier and
6 inhibit marsupialization.

7 Although it was acknowledged at the interview that de Groot failed to anticipate the
8 claimed invention, Applicants' representative agreed to amend claims 1 and 16 to clarify that
9 the recited shoulder surface and lateral porous layer are located inwardly from both the stud
10 outer end and the longitudinal porous layer.

11 Accordingly, Applicants' representative faxed a proposed amendment to Examiner
12 Ahmed for preliminary consideration on 26 June 2006. Based on a subsequent telephone
13 conversation with Examiner Ahmed confirming that the amended claims distinguished over de
14 Groot, the amendment was formally filed by mail on 18 July 2006 and received in the PTO 24
15 July 2006.

16 The Advisory Action now holds that the amendment fails to place the application in
17 Condition for allowance based solely on a newly cited reference US 5,931,838 ("Vito"). After
18 careful study, it is urged that Vito fails to anticipate or suggest Applicants' claimed invention
19 and favorable reconsideration is courteously requested.

20 Vito describes a fixation assembly for orthopedic applications that prevents a screw
21 from loosening and migrating out of a bone. The assembly uses a screw and plate configured
22 such that once threaded into the bone, the screw becomes rigidly fixed to the plate by a
23 locking ring which surrounds a recessed area of the screw.

24 Vito nowhere suggests a medical device of the type taught herein by Applicants
25 wherein longitudinal and laterally extending porous layers are provided on a percutaneous
26 stud for promoting tissue ingrowth along perpendicular surfaces to form an infection resistant
27 barrier and inhibit marsupialization.

28 Submitted herewith is a Claim Listing which shows the current state of the claims

1 presuming that the amendment filed 24 July 2006 has now been entered.

2 It is urged that claims 1 and 16 clearly distinguish over Vito by reciting a stud having
3 perpendicular longitudinal and lateral porous layers for promoting soft tissue ingrowth.

4 It is accordingly urged that claims 1-9 and 13-21 patentably distinguish the invention
5 over the art of record and are now in condition for allowance.

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8 Respectfully submitted,

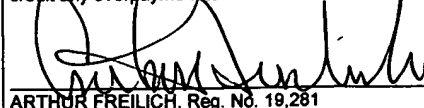
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11 ARTHUR FREILICH
12 Reg. No. 19, 281
13 Attorney for Applicant(s)

14 FREILICH, HORNBAKER & ROSEN
15 9045 Corbin Avenue Suite 260
16 Northridge, CA 91324-3343
17 TEL. 818-678-6408 • FAX 818-678-6411
18
19
20
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23 **DEPOSIT ACCOUNT AUTHORIZATION:**

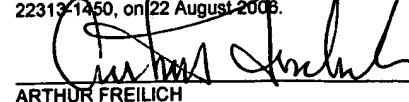
24 Throughout the prosecution of this application the Patent and Trademark
25 Office is authorized to charge any additional fees which may be required, or
26 credit any overpayment to Account No. 501232.

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ARTHUR FREILICH, Reg. No. 19,281

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ARTHUR FREILICH